

#### REMARKS

This is in response to the Examiner's Office Action mailed September 21, 2005. The present Patent Application Serial Number 10/628,540 is a Continuation-In-Part of Patent Application Serial Number 09/228,206 now abandoned.

Figures 1-24 of this application were also present in the parent Patent Application Serial Number 09/228,206. Added Figure 25 shows an in-line wheeled skate having two wheels, and a rotatable brake pad positioned at the middle of the chassis on the medial side.

Figure 26, which is the elected species, shows a generally similar in-line wheeled skate having three wheels, and a rotatable brake pad positioned at the middle of the chassis on the medial side. Figure 26 shows the preferred embodiment of the in-line skate taught in the present Application.

Figures 27-32 show the in-line skate of Figure 26 from several different viewpoints. Figures 33-34 provide two views of an article of footwear including a portion of a bicycle cleat locking apparatus for possible use with the preferred in-line wheeled skate of the elected species of Figure 26. As indicated in Figure 26, and clearly shown in the alternate views provided in Figures 30-32, the preferred in-line wheeled skate can also include a bicycle cleat locking apparatus having corresponding mating parts. Figure 54 shows a bicycle pedal also including a portion of a compatible bicycle cleat locking apparatus including mating parts for possible use with the portion of a bicycle cleat locking apparatus shown on the bottom of the article of footwear shown in Figures 33-34.

Again, the Applicant elects to prosecute Species 7, represented by Figure 26, as identified by the Examiner. Several different views of this embodiment of an in-line wheeled skate are also shown in Figures 27-31 and substantially the same embodiment is shown in Figure 32 including a male rearfoot

retainer 153. Moreover, Figures 33-34 show two views of an article of footwear for possible use with the in-line wheeled skate shown in Figures 26-32. Figure 54 shows a bicycle pedal and a portion of a bicycle cleat locking apparatus for possible use with a corresponding mating portion of the bicycle cleat locking apparatus shown on the bottom side of the article of footwear shown in Figures 33-34.

Accordingly, the Applicant respectfully requests that the subject matter shown in Figures 34 and 54 can and should be considered as belonging to the same species of the invention as Figure 26 for the purposes of patent prosecution at this time. If the examiner agrees, claims 1-4, 6-8, 10, and 12-23 of the present Application read on the embodiment of the elected Species.


Favorable action is respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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